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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/082,718 | 02/26/2002 | Thomas Calvin Cannon JR. | | 4759 |

7590 03/09/2006
Thomas Calvin Cannon, Jr.
5165 Phantom Court
Columbia, MD 21044-1318

EXAMINER

FELTEN, DANIEL S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3624

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,718

Applicant(s)

CANNON, THOMAS CALVIN

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/26/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al (US 6,477,513)

Re claim 1, Walker discloses a system for processing electronic payments that consists of a bank (326), a plurality of payer accounts within the bank (buyer--504/ fig. 6), a plurality of payee accounts within the bank (seller--504/ fig. 6), a holding maintained by the accounts bank or a third party (trusted agent—318), and a process for transferring funds from payer accounts or payee accounts, residing within the same bank (see Walker, Abstract, col. 4, lines 24-47; and col. 5, lines 65 to col. 6, line 38), by first transferring an amount equal to the payment from the payer's account into the holding account (escrow account), and then transferring an accounts amount equal to the payment from the holding into the payee's account (see Walker col. 5, line 65 to col. 6, line 38).

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Re claim 2, a system according further comprising a routine for screening out faulty payment funds transfers from payee accounts into the holding account by delaying movement of payment funds, for each transaction, out of the holding account until the bank has cleared each payment funds transfer into the holding account through a settlement process at the end of a designated transaction period (see Walker col. 5, line 65 to col. 6, line 38).

Re claim 3, a system for processing electronic payments that consists of a defined collection of banks each of which supports its own internal holding account used to facilitate electronic payments, a plurality of payers, each of which maintains an account with at least one bank within the defined collection of banks, a plurality of payees, each of which maintains an account with at least one bank within the defined collection of banks (see Walker, Abstract, col. 4, lines 24-47; and col. 5, lines 65 to col. 6, line 38),

an agent, controlled by either the defined collection of banks or a third party, that directs the transfer of payment funds from a payer account into a holding account residing within the same bank as the payee account with the defined collection of banks, and also directs the transfer of payment funds into a payee account from a holding account residing within the same bank as the payee account within the defined collection of banks, a process for settling funds between the various holding accounts maintained in the defined collection of banks by executing a series of funds transfers between the various holding accounts at the end of a prescribed transaction period (see Walker, Abstract, col. 4, lines 24-47; and col. 5, lines 65 to col. 6, line 38).

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Re claim 4, A system according to claim 3, further comprising a routine for screening out faulty payment funds transfers from payee accounts into holding accounts by delaying movement of payment funds, for each transaction, out of the associated holding account until the bank in which the holding account resides has cleared each payment funds transfer into the holding account through a settlement process at the end of a designated transaction period (see Walker, Abstract, col. 4, lines 24-47; and col. 5, lines 65 to col. 6, line 38)

Re claim 5, in which the settlement routine for balancing funds across the various holding accounts consists of first transferring all of the excess funds from those holding accounts having excess funds into the one holding account having the largest deficit, and then transferring funds from the holding account that formerly had largest deficit into the remaining holding accounts having deficits, in the exact amounts needed to balance each remaining holding account (see Walker, Abstract, col. 4, lines 24-47; and col. 5, lines 65 to col. 6, line 38)

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patents:

Doggett et al (US 5,677,955) discloses electronic funds transfer

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten
Examiner
Art Unit 3624

DSF
March 03, 2006